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SAN FRANCISCO BAYKEEPER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SAN FRANCISCO BAYKEEPER, a non-profit
corporation,

Plaintiff,

v.

JAMES F. TAYLOR dba PINOLE RODEO
AUTO WRECKERS,

Defendant.

Civil No. 3:15-cv-05825-MEJ

FOURTH REQUEST TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
ASSOCIATED DEADLINES, AND TO
EXTEND TIME TO RESPOND TO
COMPLAINT; ~~PROPOSED~~ ORDER

(Federal Water Pollution Control Act, 33
U.S.C. § 1251 *et seq.*)

Honorable Maria-Elena James

1 WHEREAS, on December 18, 2015, Plaintiff San Francisco Baykeeper (“Plaintiff”) filed the
2 above-entitled action;

3 WHEREAS, Defendant has chosen to proceed as a *pro se* litigant, and has not appeared in this
4 action;

5 WHEREAS, on December 18, 2015, the Court set the initial Case Management Conference for
6 March 17, 2016 (Dkt. 3);

7 WHEREAS, Plaintiff and Defendant (collectively, the “Parties”) have been working together
8 in good faith to reach a settlement agreement in this action;

9 WHEREAS, to allow time for settlement, on February 23, 2016, Plaintiff requested the Court
10 continue the initial Case Management Conference (Dkt. 5), which the Court granted (Dkt. 6);

11 WHEREAS, on April 25, 2016, Plaintiff requested the Court again continue the initial Case
12 Management Conference to allow further time for settlement (Dkt. 10), which the Court granted (Dkt.
13 11);

14 WHEREAS, pursuant to a third request by Plaintiff (Dkt. 12), the Court set the initial Case
15 Management Conference in this action for September 8, 2016 at 10:00 a.m., and continued other
16 deadlines in the case (Dkt. 15);

17 WHEREAS, throughout this time, the Parties have continued to negotiate the terms of a
18 settlement agreement;

19 WHEREAS, the Parties desire to continue informal negotiations in good faith, and anticipate
20 reaching a final settlement in this action within the next six (6) weeks;

21 WHEREAS, Plaintiff requests, upon the Court’s approval, to reschedule the Case Management
22 Conference for September 29, 2016, at 10:00 a.m., or at such later date that is convenient for the
23 Court, in order to give the Parties a chance to complete settlement negotiations without involving the
24 resources of the Court;

1 WHEREAS, Plaintiff requests, upon the Court's approval, to reschedule the deadline to file the
2 Parties' ADR certifications and stipulations to ADR process or notices of need for an ADR phone
3 conference no later than one week before the Case Management Conference;

4 WHEREAS, Plaintiff requests, upon the Court's approval, to reschedule the deadline to file the
5 Parties' Rule 26(f) Report and Joint Case Management Statement no later than one week before the
6 Case Management Conference;

7 WHEREAS, Plaintiff requests, upon the Court's approval, to reschedule the deadline to file the
8 Parties' initial disclosures or objections in their Rule 26(f) Report no later than one week before the
9 Case Management Conference;

10 WHEREAS, Defendant's deadline to respond to the complaint was initially April 18, 2016;

11 WHEREAS, on March 24, 2016 and April 25, 2016, Plaintiff requested the Court extend
12 Defendant's time to respond to the complaint, both of which the Court granted (*see* Dkt. 8, 9, 10, 11).

13 WHEREAS, pursuant to a third request filed by Plaintiff (Dkt. 12), the Court extended
14 Defendant's time to respond to the complaint to August 22, 2016 (Dkt. 15);

15 WHEREAS, the Parties desire to extend the time for Defendant to respond to the complaint
16 until September 26, 2016;

17 WHEREAS, such an extension of time within which to answer or otherwise respond to the
18 complaint will not alter the date of any event or any deadline already fixed by Court Order;

19 WHEREAS, Plaintiff requests, upon the Court's approval, to extend the time for Defendant to
20 respond to the complaint to September 26, 2016, in order to give the Parties a chance to complete
21 settlement negotiations;

22 WHEREFORE, Plaintiff respectfully requests the Court to approve and enter the Proposed
23 Order below.

24 DATE: August 17, 2016

Respectfully Submitted,

25 /s/ Nicole C. Sasaki

26 _____
27 Nicole C. Sasaki
28 Attorneys for Plaintiff
SAN FRANCISCO BAYKEEPER

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

1. The Case Management Conference shall be continued to December 1, 2016
at 10:00 a.m.
2. The Parties' ADR certifications and stipulations to ADR process or notices of need for
an ADR phone conference shall be filed no later than one week before the Case
Management Conference.
3. The Parties' Rule 26(f) Report and Joint Case Management Statement shall be filed no
later than one week before the Case Management Conference.
4. The Parties' initial disclosures or objections in their Rule 26(f) Report shall be filed no
later than one week before the Case Management Conference.
5. Defendant's time to respond to the complaint shall be extended to September 26, 2016.

IT IS SO ORDERED.

Date: August 18, 2016

NORTHERN DISTRICT OF CALIFORNIA



Honorable Maria-Elena James
United States District Court